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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,236	03/29/2004	Jae-Byeong Han	678-1372 (P11267)	2193

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EXAMINER
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HEIBER, SHANTELL LAKETA

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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03/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/812,236	<b>Applicant(s)</b> HAN, JAE-BYEONG	
	<b>Examiner</b> SHANTELL HEIBER	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-8 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-8 and 12-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/29/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. **Regarding Claims 1, 4 and 7**, applicant's arguments filed on January 9, 2008 have been fully considered but they are not persuasive.

2. The applicant argues that ***Kinnunen fails to disclose the reception of a text message indicating a change in the class of the user, as recited in Claim 1.***

Kinnunen et al. discloses services provided on a network to a user as available functions of a mobile terminal based on a change in the class of the user. **Services become available to a user when the ME moves (location based) and/or when changes are made to the profile (user profile database). See paragraphs [0077]-[0091]; [0101]; [0125]; [0128] and [0138].** Kinnunen et al. further discloses the reception of a text message indicating a change in the class of the user. **Within the services discovery and location part 250 are the parts of the system which operate as a notification framework in order to inform MEs of new network services that are available in their proximity. A notification may include service information such as service attributes, a service handle and a uniform resource locator (URL), for example URLs with text. See paragraph [0121].**

3. **Regarding Claim 8**, applicant's arguments filed on January 9, 2008 have been fully considered but they are not persuasive.

4. Vanttila et al. discloses a service code corresponding to at least one function. **The operator 36 sends to the mobile station 10 one of the above-referenced**

**identification codes to define which menu function is to be activated, and also sends a corresponding feature code. See Col. 5, lines 51-61 and Table.**

5. **Regarding Claims 16 and 17**, applicant's arguments filed on January 9, 2008 have been fully considered but they are not persuasive.

Vantilla et al. discloses the system providing a text message to a user including a service code corresponding to the at least one function that changes due to the change in the class of the user. **Fig.3B illustrates the contents of the memory 24 after receiving at least one SMS message from the operator's site 36, the SMS message conveying feature and identification codes that cause the controller 18 to access the memory 24 and enable the call forwarding functions. After being so enabled, the call forwarding functions appear in the displayed menu, and are thus accessible for use by the user of the mobile station 10. See Col. 5, line 62-Col. 6, line 12.**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4, 6, 7, 12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinnunen et al. (Kinnunen), U.S. Publication No. 2001/0018349.

**Regarding Claims 1, 4 and 7**, Kinnunen discloses a method in the mobile communication terminal for differentially implementing functions of the mobile

communication terminal according to a class of a user, comprising the steps of: setting at least one condition (**location and user profile; [0077]**) for selecting at least one function (**available services; [0077]**) in order to differentially implement the at least one function according to the class of the user (**the class of the user is based on information in the user profile; [0078]-[0091]**); activating a menu (**the service agent provides the ME with the capability to browse applicable services based on location and user profile**) for selecting the at least one function available to the user when the at least one preset condition is met **[0100], [0101] and [0125]**; informing the user through a text message received by the mobile terminal from a mobile service provider (**the network informs the ME of new available services in the form of URL text; [0121]**) of a change in the class of the user and the at least one function available to the user after the change of the user's class (**the user's class can change when the ME moves into another service deployment area and when the ME modifies their user profile; [0128] and [0138]**); and applying the change in the at least one function available to the user to the mobile communication terminal (**new services become available when the ME moves and when the ME makes changes to the profile this reflects the results of profile matching done to find applicable and advertised services; [0128] and [0138]**).

**Regarding Claim 6**, Kinnunen discloses wherein the step of applying the change in the at least one function comprises deactivating of a menu for selecting the at least one function that becomes unavailable due to the change in the class of the user (**the ME sends an unsubscribe message modifying those services to be avoided and**

**that are no longer required, these changes to the profile reflect the results of profile matching done to find applicable and advertised services; [0138]).**

**Regarding Claim 12**, Kinnunen discloses wherein said control section activates a menu for selecting the at least one function that becomes available due to the change in the class of the user **(new services become available when the ME moves and when the ME makes changes to the profile this reflects the results of profile matching done to find applicable and advertised services; [0128] and [0138]).**

**Regarding Claim 14**, Kinnunen discloses wherein said control section deactivates a menu for selecting the at least one function that becomes unavailable due to the change in the class of the user **(the ME sends an unsubscribe message modifying those services to be avoided and that are no longer required, these changes to the profile reflect the results of profile matching done to find applicable and advertised services; [0138]).**

**Regarding Claim 15**, Kinnunen discloses wherein the menu includes a plurality of menu items **(set of services available)** each different from the other, each menu item corresponding to a function of the mobile communication terminal **[0101]**.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen in view of Geddes et al. (Geddes), U.S. Patent No. 7,142,840.

**Regarding Claim 5**, Kinnunen discloses the method as described above.

Kinnunen fails to disclose wherein the step of applying the change in the at least one function comprises further comprises: requesting the user to input a service code corresponding to the at least one function that becomes available due to the change in the class of the user; and receiving the service code input by the user in response to the request.

In a similar field of endeavor, Geddes discloses a method and system for multi-network authorization and authentication. Geddes further discloses wherein the step of applying the change in the at least one function comprises further comprises: requesting the user to input a service code corresponding to the at least one function that becomes available due to the change in the class of the user; and receiving the service code input by the user in response to the request (**Geddes-Col. 7, line 60-Co1. 8, line 23**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to authenticate users requesting access to a service (Geddes-Col. 8, lines 49 and 50) based on location (Kinnunen).

**Regarding Claim 13**, Kinnunen discloses the mobile communication terminal as described above.

Kinnunen fails to disclose wherein said control section requests the user to input a service code corresponding to the at least one function that becomes available due to the change in the class of the user and receives the service code input by the user in response to the request.

Geddes discloses wherein said control section requests the user to input a service code corresponding to the at least one function that becomes available due to the change in the class of the user and receives the service code input by the user in response to the request (**Geddes-Col. 7, line 60- Col. 8, line 23**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to authenticate users requesting access to a service (Geddes-Col. 8, lines 49 and 50) based on location (Kinnunen).

9. Claims 8, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen in view of Vanttila et al. (Vanttila), U.S. Patent No. 5,794,142.

**Regarding Claim 8**, Kinnunen discloses the mobile communication terminal as described above.

Kinnunen fails to disclose wherein said memory stores information including at least one of a function identification (ID) representing a unique number assigned to the at least one function, a function name, a function type showing the at least one condition for selecting the at least one function, and a service code corresponding to the at least one function.



In a similar field of endeavor, Vantilla discloses a mobile terminal having network services activation through the use of point-to-point short message service. Vantilla further discloses wherein said memory stores **(24)** information including at least one of a function identification (ID) **(identification code)** representing a unique number assigned to the at least one function, a function name **(feature name)**, a function type **(activation or deactivation, shown in table)** showing the at least one condition for selecting the at least one function, and a service code **(feature code)** corresponding to the at least one function **(Col. 5, lines 51-61 and Table)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the claimed information for each service function to allow the user to distinguish between the different services and to make their available selections by using the service/feature codes.

**Regarding Claims 16 and 17**, Kinnunen discloses the method as described above.

Kinnunen fails to disclose wherein said text message includes a service code corresponding to the at least one function that changes due to the change in the class of the user and wherein said text message includes a service code corresponding to the at least one function.

Vanttila discloses wherein said text message includes a service code corresponding to the at least one function that changes due to the change in the class

of the user and wherein said text message includes a service code corresponding to the at least one function (**Col. 5, line 62-Col. 6, line 12**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the claimed information for each service function to allow the user to distinguish between the different services and to make their available selections by using the service/feature codes.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Espejo et al., U.S. Patent No. 6,748,066 discloses a pre-paid wireless interactive voice response system with variable announcements.

Kennedy, III et al., U.S. Patent No. 6,535,743 discloses a system and method for providing directions using a communication network.

Lohtia et al., U.S. Patent No. 6,560,456 discloses a system and method for providing subscriber-initiated information over the short message service (sms) or a microbrowser.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANTELL HEIBER whose telephone number is (571)272-0886. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. H./

Examiner, Art Unit 2617

March 18, 2008

/Lester Kincaid/

Supervisory Patent Examiner, Art Unit 2617